

Mr. Heagy's U.S. History



Mini Read 10: A Switch in Time

In March of 1933, when Roosevelt finally entered the White House, he and Congress began a whirl of legislative activity. It came to be called the First Hundred Days. During that time, Congress passed and Roosevelt signed into law a large number of bills that became the foundation of the New Deal. There was the AAA, the Agricultural Adjustment Act, the NIRA, the National Industrial Recover Act, the Securities Act and the Bank Act among others.

By the time Roosevelt was running for reelection in 1936, the Supreme Court of the United States had undone much of the work of the First Hundred Days. The court declared both the AAA and the NIRA unconstitutional. The decisions declaring New Deal legislation unconstitutional were often close 5-4 decisions. These court decisions were the only joy for Republicans during Roosevelt's first term in office. Roosevelt, however, was furious with the court. Completely and utterly angered by the actions of the court, Roosevelt came up with a plan to add more justices to the court. He asked for power to appoint just enough new justices to allow his new appointments to join with some of the justices already on the court and create a new pro New Deal majority. In other words, Roosevelt was going to "pack the court" with justices who would vote his New Deal line. He used as his excuse for wanting more justices the fact that many justices were now 70 or older and the fact that since his election he had not been able to nominate a new justice for the court.

Roosevelt began his process of "fixing" the Supreme Court with his first Fireside Chat after his reelection. So determined was Roosevelt to shape up the Supreme Court that he lost his amazing political judgment for the first time since becoming president. He failed to consult the Democrat leadership of the House about his court bill, instead announcing it cold through his Fire Side Chat. The Democrat Leadership was furious. Roosevelt soon learned the bill would go nowhere in the House. Eventually, the bill was introduced into the Senate. When it was introduced, Roosevelt's own vice president, John Nance Gardner, stood at the back of the Senate with one hand holding his nose and the other giving the thumbs down gesture. Senator Robinson, Majority Leader in the Senate, pressed the bill hard, but everyone knew that he was in line to be Roosevelt's first appointment to the Supreme Court. Then Robinson died unexpectedly of a heart attack, and with him died any chance the bill would make it through the Senate. Roosevelt made a further mistake by not going to Robinson's funeral in Alabama. This insulted and infuriated many Southern senators who were already tired of New Deal social liberalism. This was the beginning of a shift in Congress. Southern Democrats began to join Republicans to put a break on any more New Deal social legislation. The Roosevelt coalition that had created the New Deal was now falling apart. The Democrat Party was splitting into Northern liberal Democrats and Southern conservative Democrats.

At the same time, Roosevelt also hurt himself with the American public. They were used to the rough and tumble politics of passing New Deal legislation, which included some serious arm-twisting. But they were shocked that a president would try to make a stooge Supreme Court. This was an attack by the executive branch of the government on the checks and balances powers of the judiciary and a threat to separation of powers essential to constitutional balance in the federal government. Roosevelt was never able to escape the suspicion that he was power-hungry after the court packing fiasco.

The Supreme Court had also reacted. As the legislation lingered in Congress, Owen Roberts, the swing vote on the Court began moving consistently to the New Deal side when deciding cases. Thus some people quipped, "a switch in time may have saved nine."